

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION

ENERGY VAULT, INC.,

Plaintiff,

vs.

UNITED STANDARD ELECTRIC, LLC,

Defendant.

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Civil Action No. 4:23-cv-00047

DECLARATION OF JUAN CARLOS ESCOBAR

1. I, Juan Carlos Escobar, am over 18 years of age, of sound mind, and competent to testify to the facts stated in this Declaration. I have personal knowledge of the facts stated in this Declaration.

2. The Second Purchase Order from Energy Vault to United Standard Electric (“USE”) (778) refers to the specifications in the “Contract Documents” in the Warranty Section 16. “Contract Documents” is not defined in the Second Purchase Order.

3. USE believes and contends that our Proposal is one of, if not the primary, “Contract Document.” Therefore, the specifications in the USE proposal are still part of the relevant Contract Documents, and at least an important Contract Document, as to the issue of performance specifications.


4. USE believes and contends that the vast majority of the transformers it delivered to Energy Vault complied with the performance specifications in our Proposal to Energy Vault.

5. In addition, USE believes and contends that it complied with the standards and technical specifications that Energy Vault provided to USE to make the USE Proposal.

6. Energy Vault has not fully paid USE's valid invoices for the (vast majority of the) conforming transformers that USE delivered to Energy Vault.

VERIFICATION

I, Juan Carlos Escobar, on this 25th Day of October, 2024, pursuant to the laws of the States of Texas and California and the United States of America, hereby certify and declare under oath and under penalty of perjury that the foregoing is true and correct and that the facts stated in this declaration are true and correct.


By: /s/ Juan Carlos Escobar
Juan Carlos Escobar

Dated: October 25, 2024